

REMARKS

The Office Action dated November 28, 2008 has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 1-37 are now pending in this application. Claims 1-37 stand rejected.

The rejection of Claims 1-8, 11-13, 16-18, 22, 23, 25-30, and 33-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0116210 (Medina) in view of U.S. Patent Application Pub. No. 2002/0156656 (Harrell) and U.S. Patent No. 5,806,042 (Kelly) is respectfully traversed.

Applicants respectfully submit that no combination of Medina, Harrell, and Kelly describes or suggests the claimed invention. At least one of the differences between the cited references and the present invention is that no combination of Medina, Harrell, and Kelly describes or suggests *receiving data from a first customer user for a plurality of quotes of reinsurance, requesting whether the first customer user desires a profitability analysis for each of the reinsurance policies quoted, and electronically communicating each of the plurality of quotes for the reinsurance to the first customer user including each corresponding profitability analysis.*

The Office Action acknowledges that neither Medina nor Harrell describe quoting reinsurance for a reinsurance company or requesting a profitability analysis by a customer user. In fact, the Office Action recites at pages 3-4:

Medina fails to teach a method for quoting reinsurance for a reinsurance company comprising the steps of automatically requesting whether the customer users providing data relating to the specific insurance policy desire a profitability analysis for the reinsurance policy quoted for the specific insurance policy

Harrell fails to teach a method wherein the profitability analysis indicates whether the quoted reinsurance policy improves profitability of the insurance company associated with the specific insurance policy by transferring risks associated with the specific insurance policy to the reinsurance company for an amount associated with the quote.

Applicants respectfully submit that Kelly does not make up for the deficiencies of Medina and Harrell. For example, column 4, lines 4-11 and 32-36, and column 6, lines 25-42, of Kelly recites:

It is therefore one of the objectives of this invention to provide a system for designing and implementing a BOLI [Bank Owned Life Insurance] plan for national banks in conformance with legal regulatory requirements.

Another object of this invention is to provide a system for implementing a BOLI plan for banks with reinsurance of the BOLI plan by a captive insurance company of the bank in conformance with legal regulatory requirements.

It is yet another object of this invention to provide a system for ceding business from an insurance company to a reinsurance company which includes the transfer of risk, assets and liabilities, as well as calculating ceding fees, cash flow and in force calculations and mortality risks.

The insurance company 106 in turn reinsures the BOLI plan of the bank 100 with a reinsurance company 118 which is a captive insurance subsidiary of the parent bank or holding company 101. The reinsurance can be implemented using a number of different systems such as assumptive reinsurance or mortality reinsurance. In the preferred embodiment, the quota shared method of reinsurance is used. This method passes a certain percentage of the premium dollars, risk and liabilities 116 to the reinsurance company 118 in exchange for the assumption of the equivalent percentage of investment performance, death benefits, premium tax and commissions 120 associated with the BOLI plan. The relationship between the insurance company 106 and reinsurance company 118 is defined by the reinsurance treaty 112. The surplus drain and required reserves of the transaction is held in a trust company controlled by the custodial trust agreement and/or letter of credit 114.

In other words, Kelly describes a system for designing and administering a BOLI (Bank Owned Life Insurance) plan for national banks under current federal and state guidelines and financial market constraints. After preparing and executing the reinsurance treaty (Col. 12, lines 44-45), the system also cedes the business from the insurance company to the reinsurance company wherein "ceding" is the technical term for actually moving the risk, assets and liabilities off the insurance company to the reinsurance company. This is executed through an automated reserve

letter and ceding statement which contains calculation of ceding fees, premiums, claims, taxes, commissions and cash flow, risks and reserves assumed, and the “in force” calculations and descriptions of the mortality risk associated with the transaction. (Col. 13, lines 42-51.) Notably, Kelly does not describe, teach, or even suggest generating a quote of reinsurance. In fact, Kelly teaches away from the concept of generating a quote for reinsurance since Kelly describes reinsuring the BOLI plan through a captive reinsurance company. In the case of a captive reinsurance company, there is no need to generate a quote for reinsurance since the risk is ceded to the reinsurance company by the insurance company pursuant to a reinsurance treaty wherein the reinsurance company is a captive of the national bank. As such, Kelly does not describe or suggest generating a quote of reinsurance, let alone generating a corresponding profitability analysis.

Furthermore, the Office Action asserts that Kelly describes a “profitability analysis” when it mentions in the Summary of the Invention “It is yet another object of this invention to provide a system for ceding business from an insurance company to a reinsurance company which includes the transfer of risk, assets and liabilities, as well as calculating ceding fees, cash flow and in force calculations and mortality risks.” However, a closer review of Kelly clearly shows that Kelly does not describe a “profitability analysis” as recited in the present claims. The present claims recite “*electronically communicating each of the plurality of quotes for the reinsurance to the first customer user including each corresponding profitability analysis*, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to the reinsurance company for an amount associated with the quote. Kelly describes calculating the ceding fees and other calculated items after executing the reinsurance treaty. Accordingly, the ceding fees and other calculated items cannot describe the profitability analysis recited in the present claims, since Kelly does not describe providing this information with each of the quotes for reinsurance, but rather, provides this information after the reinsurance is in place.

Moreover, no combination of Medina, Harrell, and Kelly describes or suggests a customer user seeking a plurality of quotes of reinsurance. Rather, in contrast to the invention,

Medina does not describe or suggest insurance or reinsurance, Harrell describes determining a reinsurance portion of a value of cargo insurance certificate, and Kelly describes a system for designing and administering a BOLI (Bank Owned Life Insurance) plan for national banks that includes ceding risk from the insurance company to the reinsurance company, which is a captive of the national bank.

Medina describes a computerized system and method for coordinating business information flow to permit a provider of goods or services to prepare a project proposal including a price quote for a project requested by a customer. Notably, Medina does not describe or suggest a profitability analysis that corresponds to insurance or reinsurance.

Harrell describes a storage media and method for transacting cargo insurance business in a network environment that includes an on-line automation of quoting, billing, certificate issuance, underwriting, and claims processing. The method also includes customer qualification and support services, in addition to data collection and analysis, for management report generation. Various types of management reports are based on data including profitability with respect to commodity or customer region, customer demographics, and claim history. Notably, Harrell does not describe or suggest a profitability analysis that corresponds to insurance or reinsurance.

Kelly describes a computer-based system for designing and administering a BOLI plan for national banks under federal and state guidelines and financial market constraints. The system reinsure the BOLI plan through a captive insurance company of the financial organization, obtaining policy values for the captive insurance company. Notably, Kelly does not describe or suggest generating a profitability analysis that corresponds to insurance or reinsurance.

Claim 1 recites a method for quoting reinsurance for a reinsurance company that includes “authorizing electronic requests from one or more customer users, the one or more customer users including users associated with insurance companies seeking a plurality of quotes from the reinsurance company for reinsuring insurance policies underwritten by the insurance companies . . . receiving data at an application server from a first customer user of the one or more customer users for the plurality of quotes of reinsurance, wherein the data provided including data relating

to at least one specific insurance policy issued by a first insurance company . . . automatically requesting whether the first customer user providing data relating to the at least one specific insurance policy desires a profitability analysis for each of the reinsurance policies quoted for the at least one specific insurance policy, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to the reinsurance company for an amount associated with the quote . . . automatically retrieving data received at the application server from the first customer user for generating the plurality of quotes of reinsurance to generate the requested profitability analysis for each of the reinsurance policies quoted . . . processing the data according to rules within a database networked with the application server, to generate the quote for the reinsurance for the at least one specific insurance policy . . . electronically communicating each of the plurality of quotes for the reinsurance to the first customer user including each corresponding profitability analysis . . . and enabling the first customer user to select one of the plurality of quotes for reinsurance for improving profitability of the first insurance company including electronically transmitting a reinsurance contract to the first customer user, the reinsurance contract corresponding to the selected quote.”

Applicants respectfully submit that no combination of Medina, Harrell, and Kelly describes or suggests a method for quoting reinsurance for a reinsurance company as is recited in Claim 1. Specifically, no combination of Medina, Harrell, and Kelly describes or suggests requesting whether the first customer user desires a profitability analysis for each of the reinsurance policies quoted, and electronically communicating each of the plurality of quotes for the reinsurance to the first customer user including each corresponding profitability analysis. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes generating profitability reports with respect to commodity and customer region, and Kelly describes a system for designing and administering a BOLI (Bank Owned Life Insurance) plan for national banks wherein, after preparing and executing the reinsurance treaty, the system cedes the business from the insurance company to the reinsurance company wherein “ceding” is the technical term for actually moving the risk, assets and liabilities off the insurance company to the reinsurance company.

Moreover, no combination of Medina, Harrell, and Kelly describes or suggests a customer user seeking a plurality of quotes of reinsurance. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes determining a reinsurance portion of a value of cargo insurance certificate, and Kelly describes a system for designing and administering a BOLI (Bank Owned Life Insurance) plan for national banks.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Medina in view of Harrell and Kelly.

Claims 2-8 and 11-13 depend from independent Claim 1. When the recitations of Claims 2-8 and 11-13 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 2-8 and 11-13 likewise are patentable over Medina in view of Harrell and Kelly.

Claim 16 recites a system for quoting reinsurance for a reinsurance company that includes a web server, an application server, and a database, wherein the system is configured to “receive electronic requests for a plurality of reinsurance quotations from customer users, the customer users including users associated with insurance companies seeking a plurality of quotes from the reinsurance company for reinsuring insurance policies underwritten by the insurance companies . . . receive data from a first customer user of the customer users for the plurality of quotes of reinsurance, wherein the data provided includes data relating to at least one specific insurance policy issued by a first insurance company . . . request whether the first customer user providing data relating to the at least one specific insurance policy desires a profitability analysis for each of the reinsurance policies quoted for the at least one specific insurance policy, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to the reinsurance company for an amount associated with the quote . . . retrieve data received from the first customer user for generating the plurality of quotes of reinsurance to generate the requested profitability analysis for each of the reinsurance policies quoted . . . process the received data according to rules within the database to generate the quote for the reinsurance for the at least one specific insurance policy . . . electronically communicate each of the plurality of

quotes for the reinsurance to the first customer user including each corresponding profitability analysis . . . and prompt the first customer user to select one of the plurality of quotes for reinsurance for improving profitability of the first insurance company including electronically transmitting a reinsurance contract to the first customer user, the reinsurance contract corresponding to the selected quote.”

Applicants respectfully submit that no combination of Medina, Harrell, and Kelly describes or suggests a system for quoting reinsurance for a reinsurance company as is recited in Claim 16. Claim 16 recites a system configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 16 is patentable over Medina, Harrell, and Kelly for the reasons that correspond to those given with respect to Claim 1. Accordingly, for at least the reasons set forth above, Claim 16 is submitted as patentable over Medina in view of Harrell and Kelly.

Claims 17, 18, 22, and 23 depend from independent Claim 16. When the recitations of Claims 17, 18, 22, and 23 are considered in combination with the recitations of Claim 16, Applicants respectfully submit that dependent Claims 17, 18, 22, and 23 likewise are patentable over Medina in view of Harrell and Kelly.

Claim 24 recites a software product comprising instructions for quoting reinsurance for a reinsurance company that comprises the steps of “authorizing electronic requests from one or more customer users, the one or more customer users including users associated with insurance companies seeking a plurality of quotes from the reinsurance company for reinsuring insurance policies underwritten by the insurance companies . . . receiving data at an application server from a first customer user of the one or more customer users for the plurality of quotes of reinsurance, wherein the data provided including data relating to at least one specific insurance policy issued by a first insurance company . . . automatically requesting whether the first customer user providing data relating to the at least one specific insurance policy desires a profitability analysis for each of the reinsurance policies quoted for the at least one specific insurance policy, wherein the profitability analysis indicates for each of the reinsurance policies quoted whether the quoted reinsurance policy improves profitability of the first insurance company by transferring risks defined by the first customer user and associated with the at least one specific insurance policy to

the reinsurance company for an amount associated with the quote . . . retrieving data received from the first customer user for generating the plurality of quotes of reinsurance to generate the requested profitability analysis for each of the reinsurance policies quoted . . . processing the data according to rules within a database to generate the quote for the reinsurance for the at least one specific insurance policy . . . electronically communicating each of the plurality of quotes for the reinsurance to the first customer user including each corresponding profitability analysis . . . and prompting the first customer user to select one of the plurality of quotes for reinsurance for improving profitability of the first insurance company including electronically transmitting a reinsurance contract to the first customer user, the reinsurance contract corresponding to the selected quote.”

Applicants respectfully submit that no combination of Medina, Harrell, and Kelly describes or suggests a software product comprising instructions for quoting reinsurance for a reinsurance company as is recited in Claim 24. Claim 24 recites a software product comprising instructions to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 24 is patentable over Medina, Harrell, and Kelly for the reasons that correspond to those given with respect to Claim 1. Accordingly, for at least the reasons set forth above, Claim 24 is submitted as patentable over Medina in view of Harrell and Kelly.

Claims 25-30 and 33-35 depend from independent Claim 24. When the recitations of Claims 25-30 and 33-35 are considered in combination with the recitations of Claim 24, Applicants respectfully submit that dependent Claims 25-30 and 33-35 likewise are patentable over Medina in view of Harrell and Kelly.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-8, 11-13, 16-18, 22, 23, 25-30, and 33-35 under Section 103 be withdrawn.

The rejection of Claims 9, 10, 19, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Medina in view of Harrell and Kelly, as applied to Claims 1, 8, 24, and 30, and further in view of www.ereinsure.com (Ereinsure) is respectfully traversed.

Medina, Harrell, and Kelly are described above. Ereinsure describes a web-hosted software application for placing reinsurance. Ereinsure describes creating a submission to obtain a quote and generating standard and custom reports.

Claims 9-10 depend from Claim 1, which is recited above.

Applicants respectfully submit that no combination of Medina, Harrell, Kelly, and Ereinsure describes or suggests a method for quoting reinsurance for a reinsurance company as is recited in Claim 1. Specifically, no combination of Medina, Harrell, Kelly, and Ereinsure describes or suggests a profitability analysis that corresponds to insurance or reinsurance. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes generating profitability reports with respect to commodity and customer region, Kelly describes calculating fees and cash flow between a bank and a subsidiary, and Ereinsure describes generating standard and custom reports.

Moreover, no combination of Medina, Harrell, and Kelly describes or suggests a customer user seeking a plurality of quotes of reinsurance. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes determining a reinsurance portion of a value of cargo insurance certificate, Kelly describes ceding business to a subsidiary, and Ereinsure describes creating an online submission to obtain a quote.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Medina in view of Harrell and Kelly and further in view of Ereinsure.

When the recitations of Claims 9-10 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 9-10 likewise are patentable over Medina in view of Harrell and Kelly and further in view of Ereinsure.

Claims 31-32 depend from independent Claim 24, which is recited above.

Applicants respectfully submit that no combination of Medina, Harrell, Kelly, and Ereinsure describes or suggests a software product comprising instructions for quoting reinsurance for a reinsurance company as is recited in Claim 24. Claim 24 recites a software product comprising instructions to perform steps essentially similar to those recited in Claim 1.

Thus, it is submitted that Claim 24 is patentable over Medina, Harrell, Kelly, and Ereinsure for the reasons that correspond to those given with respect to Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 24 is patentable over Medina in view of Harrell and Kelly and further in view of Ereinsure.

When the recitations of Claims 31-32 are considered in combination with the recitations of Claim 24, Applicants submit that dependent Claims 31-32 likewise are patentable over Medina in view of Harrell and Kelly and Ereinsure.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 9, 10, 19, 31, and 32 under Section 103 be withdrawn.

The rejection of Claims 14, 15, 20, 21, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Medina in view of Harrell and Kelly, as applied to Claims 1 and 24, and further in view of U.S. Patent 5,970,464 (Apte) is respectfully traversed.

Medina, Harrell, and Kelly are described above. Apte describes a computer implemented method of underwriting profitability analysis that delivers the analytic process to a wide cross section of insurance decision makers. The underwriting profitability analysis system leverages an existing investment in databases and improves underwriting business processes. Data mining techniques are applied to historical policies and claims to extract rules that describe policy holders with homogeneous claim frequency and severity characteristics. These rule sets are used to classify policy holders into distinct risk groups, each with its own set of characteristics, including pure premium. Breaking up a book of business into segments allows identification of sub-populations of policy holders that distinctly deviate from the expected normal pure premium. This identification allows the insurance business analysts to interactively adjust eligibility criteria and examine altered characteristics of the covered segments until satisfactory. The system is implemented on a client server using network centric language technology.

Claims 14-15 depend from Claim 1, which is recited above.

Applicants respectfully submit that no combination of Medina, Harrell, Kelly, and Apte describes or suggests a method for quoting reinsurance for a reinsurance company as is recited in Claim 1. Specifically, no combination of Medina, Harrell, Kelly, and Apte describes or suggests

a profitability analysis that corresponds to insurance or reinsurance. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes generating profitability reports with respect to commodity and customer region, Kelly describes calculating fees and cash flow between a bank and a subsidiary, and Apte describes applying data mining techniques to historical policies and claims.

Moreover, no combination of Medina, Harrell, and Kelly describes or suggests a customer user seeking a plurality of quotes of reinsurance. Rather, in contrast to the invention, Medina does not describe or suggest insurance or reinsurance, Harrell describes determining a reinsurance portion of a value of cargo insurance certificate, Kelly describes ceding business to a subsidiary, and Apte describes adjusting eligibility criteria and examining altered characteristics until an underwriting profitability analysis is satisfactory.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Medina in view of Harrell and Kelly and further in view of Apte.

When the recitations of Claims 14-15 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 14-15 likewise are patentable over Medina in view of Harrell and Kelly and further in view of Apte.

Claims 36-37 depend from independent Claim 24, which is recited above.

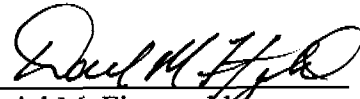
Applicants respectfully submit that no combination of Medina, Harrell, Kelly, and Apte describes or suggests a software product comprising instructions for quoting reinsurance for a reinsurance company as is recited in Claim 24. Claim 24 recites a software product comprising instructions to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 24 is patentable over Medina, Harrell, Kelly, and Apte for the reasons that correspond to those given with respect to Claim 1. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 24 is patentable over Medina in view of Harrell and Kelly and further in view of Apte.

When the recitations of Claims 36-37 are considered in combination with the recitations of Claim 24, Applicants submit that dependent Claims 36-37 likewise are patentable over Medina in view of Harrell and Kelly and further in view of Apte.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 14, 15, 20, 21, 36, and 37 under Section 103 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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